

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-03 H-02

INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 NIC-01 BIB-01 SAJ-01 ACDA-05 IO-10 CPR-01

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C O N F I D E N T I A L MOSCOW 3656

E.O. 11652: GDS

TAGS: PFOR,UR,US

SUBJECT:MFA PROTEST OF MAKSIMOV INCIDENT

REF: (A) STATE 60029 (B) STATE 60030 (C) USUN 839

1. DCM WAS CALLED IN MARCH 18 BY DEPUTY CHIEF OF
MFA'S USA DIVISION, KOMPLEKTOV, AND HANDED NON-PAPER
ON MAKSIMOV CASE (COPY BEING POUCHED TO EUR/SOV).
EMBASSY'S INFORMAL TRANSLATION AS FOLLOWS.

BEGIN TEXT: SOVIET CITIZEN AND AMTORG EMPLOYEE
V.L. MAKSIMOV WAS DETAINED BY THE POLICE FOR NO
REASON AT ALL ON MARCH 14, 1975, IN NEW YORK.
IN DETAINING HIM THE POLICE APPLIED FORCE TO
MAKSIMOV AND TRANSPORTED HIM TO A POLICE PRECINCT,
WHERE HE WAS CHARGED WITH STEALING A TAXI, DRIVING
A CAR WHILE DRUNK, AND COLLIDING WITH ANOTHER CAR.
THE FACTUAL CIRCUMSTANCES, HOWEVER, WERE AS
FOLLOWS: ON MARCH 14 AT 2000 HOURS AFTER A
MEETING AT THE PLAZA HOTEL WITH AMERICAN
BUSINESSMEN MAINTAINING BUSINESS CONTACTS
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WITH SOVIET FOREIGN TRADE ORGANIZATIONS, MAKSIMOV

GOT INTO A TAXI IN ORDER TO RETURN HOME. ALONG THE WAY AT THE INTERSECTION OF 64TH STREET AND BROADWAY THE TAXI WAS STOPPED BY A POLICE CAR. THE POLICE OPENED A DOOR OF THE TAXI AND, WITHOUT EXPLAINING THE REASONS, PULLED MAKSIMOV OUT BY FORCE, HANDCUFFED HIM, AND PUSHED HIM INTO THEIR CAR. HE WAS TAKEN TO THE POLICE PRECINCT IN THE AREA OF COLUMBUS CIRCLE, FROM WHENCE HE WAS MOVED AFTER AN HOUR TO THE 20TH POLICE PRECINCT AND PLACED IN A CELL.

DESPITE MAKSIMOV'S DEMANDS TO BE GIVEN THE OPPORTUNITY TO GET IN TOUCH WITH SOVIET OFFICIALS, HE WAS REFUSED. IN THIS CONNECTION, WHEN HE TRIED TO USE THE TELEPHONE CRUDE PHYSICAL FORCE WAS APPLIED TO HIM. ONLY AFTER SEVEN HOURS FOLLOWING MAKSIMOV'S DETENTION WAS THE SOVIET MISSION TO THE UN INFORMED ABOUT THIS. ONLY AFTER EMPHATIC DEMANDS BY THE EMBASSY OF THE USSR IN WASHINGTON AND THE MISSION OF THE USSR TO THE UN IN NEW YORK WAS MAKSIMOV RELEASED. NEVERTHELESS, ON THE BASIS OF THE ABSURD CHARGES BROUGHT AGAINST MAKSIMOV, HIS CASE WAS TAKEN TO COURT, AND A COURT HEARING IS SCHEDULED FOR MARCH 20, 1975.

THE FACTUAL CIRCUMSTANCES CONVINCINGLY DEMONSTRATE THE COMPLETE GROUNDLESSNESS OF THE CHARGES AGAINST MAKSIMOV. THE IMPRESSION IS CREATED THAT ALL OF THIS WAS INDERTAKEN FOR QUITE DEFINITE PRUPOSES (S VPOLNE OPREDELENNYMI TSELYAMI) AND THAT IT CONSTITUTES A GROSS PROVOCATION AGAINST A SOVIET CITIZNE.

IN REGISTERING AN EMPHATIC PROTEST AGAINST THE ILLEGAL DETENTION OF V.L. MAKSIMOV, A SOVIET CITIZNE AND EMPLOYEE OF AMTORG IN NEW YORK, AND THE USE OF PHYSICAL FORCE ON HIM, WE INSIST ON THE CESSATION OF ANY PROSECUTION OF V.L. MAKSIMOV. END TEXT.

2. IN ACCOMPANYING LOW-KEY ORAL PRESENTATION, KOMPLEKTOV MADE CLEAR THAT PRIME SOVIET INTEREST WAS TERMINATING

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COURT CASE IN INTEREST OF WIDER RELATIONS BETWEEN TWO COUNTRIES.

3. DCM RESPONDED BY AGREEING TO TRANSMIT NON-PAPER AND PROVIDE MFA WITH OFFICIAL ANSWER WHEN RECEIVED. SPEAKING PERSONALLY, HOWEVER, DCM INDICATED SURPRISE THAT SOVIETS WOULD CHOOSE TO PROTEST SUCH INCIDENT AND SAID HE COULD NOT RPT NOT ACCEPT SOVIET ALLEGATIONS AND

VERSION OF FACTS. AFTER REVIEWING OUR UNDERSTANDING OF WHAT HAPPENED PER PARA 1 REF C., AND EMPHASIZING EFFORTS OF DEPARTMENT TO FACILITATE CONSULAR ACCESS TO MAKSIMOV, DCM SAID HE COULD STATE WITH CERTAINTY THAT INCIDENT WAS NOT RPT NOT A PROVOCATION. HE ADDED THAT WE WERE PLEASED THAT SOVIETS APPEARED TO SHARE OUR VIEW RE IMPORTANCE OF SPEEDY CONSULAR ACCESS TO DETAINED CITIZENS, AND THEIR RIGHT TO CONTACT EMBASSY RIGHT AWAY. KOMPLEKTOV NOTED THAT WE BOTH, OF COURSE, SHARE SAME POSITION ON THIS QUESTION IN VIEW OF OUR CONSULAR CONVENTION.

4.COMMENT: THIS NON-PAPER IS CONSIDERABLY TONED DOWN VERSION OF ONE DELIVERED BY MYSHKOV (REF B). MFA'S VERSION OMITS NASTY CHARACTERIZATION OF NYPD BEHAVIOR, ALLEGATION OF BODILY INJURY TO MAKSIMOV, AND DEMAND FOR PUNISHMENT OF THOSE RESPONSIBLE FOR "PROVOCATION." MFA'S VERSION, MOREOVER, IS FAR MORE TENTATIVE AND LESS CONFIDENT THAN SOVIET EMBASSY'S IN CHARACTERIZING INCIDENT AS PROVOCATION. WE GAINED IMPRESSION FROM KOMPLEKTOV'S MANNER AND WORDS THAT SOVIET CONCERN NOW IS TO GET CASE AGAINST MAKSIMOV DISMISSED RATHER THAN TO MAKE ISSUE OUT OF FACTS OF INCIDENT.
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